

persons, including lawful combatants, in violation of the law of war.

“(G) RAPE.—The act of a person who forcibly or with coercion or threat of force wrongfully invades, or conspires or attempts to invade, the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object.

“(H) SEXUAL ASSAULT OR ABUSE.—The act of person who forcibly or with coercion or threat of force engages, or conspires or attempts to engage, in sexual contact with one or more persons, or causes, or conspires or attempts to cause, one or more persons to engage in sexual contact.

“(I) TAKING HOSTAGES.—The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.

“(2) DEFINITIONS.—In the case of an offense under subsection (a) by reason of subsection (c)(3)—

“(A) the term ‘severe mental pain or suffering’ shall be applied for purposes of paragraph (1)(A) in accordance with the meaning given that term in section 2340(2) of this title;

“(B) the term ‘serious bodily injury’ shall be applied for purposes of paragraph (1)(F) in accordance with the meaning given that term in section 113(b)(2) of this title; and

“(C) the term ‘sexual contact’ shall be applied for purposes of paragraph (1)(G) in accordance with the meaning given that term in section 2246(3) of this title.

“(3) INAPPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO COLLATERAL DAMAGE OR INCIDENT OF LAWFUL ATTACK.—The intent specified for the conduct stated in subparagraphs (D), (E), and (F) of paragraph (1) precludes the applicability of those subparagraphs to an offense under subsection (a) by reasons of subsection (c)(3) with respect to—

“(A) collateral damage; or

“(B) death, damage, or injury incident to a lawful attack.

“(4) INAPPLICABILITY OF TAKING HOSTAGES TO PRISONER EXCHANGE.—Paragraph (1)(I) does not apply to an offense under subsection (a) by reason of subsection (c)(3) in the case of a prisoner exchange during wartime.”

(b) CONSTRUCTION.—Such section is further amended by adding at the end the following new subsections:

“(e) INAPPLICABILITY OF FOREIGN SOURCES OF LAW IN INTERPRETATION.—No foreign source of law shall be considered in defining or interpreting the obligations of the United States under this title.

“(f) NATURE OF CRIMINAL SANCTIONS.—The criminal sanctions in this section provide penal sanctions under the domestic law of the United States for grave breaches of the international conventions done at Geneva August 12, 1949. Such criminal sanctions do not alter the obligations of the United States under those international conventions.”

(c) PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.—Such section is further amended by adding at the end the following new subsection:

“(g) PROTECTION OF CERTAIN UNITED STATES GOVERNMENT PERSONNEL.—The provisions of section 1004 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd-1) shall apply with respect to any criminal prosecution relating to the detention and interrogation of individuals described in such provisions that is grounded in an offense under

subsection (a) by reason of subsection (c)(3) with respect to actions occurring between September 11, 2001, and December 30, 2005.”

**SEC. 9. DETENTION COVERED BY REVIEW OF DECISIONS OF COMBATANT STATUS REVIEW TRIBUNALS OF PROPRIETY OF DETENTION.**

Section 1005(e)(2)(B)(i) of the Detainee Treatment Act of 2005 (title X of Public Law 109-148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended by striking “the Department of Defense at Guantanamo Bay, Cuba” and inserting “the United States”.

**SEC. 10. SEVERABILITY.**

If any provision of this Act or amendment made by a provision of this Act, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of such provisions and amendments to any other person or circumstance, shall not be affected thereby.

**SA 5087.** Mr. SPECTER (for himself, Mr. LEAHY, Mr. DORGAN, Mr. DODD, Mr. DAYTON, Mr. FEINGOLD, Mrs. CLINTON, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3930, to authorize trial by military commission for violations of the law of war, and for other purposes; as follows:

On page 93, strike line 9 and all that follows through page 94, line 13.

**SA 5088.** Mr. KENNEDY (for himself, Mrs. FEINSTEIN, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 3930, to authorize trial by military commission for violations of the law of war, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 8 and 9, insert the following:

(2) PROTECTION OF UNITED STATES PERSONS.—The Secretary of State shall notify other parties to the Geneva Conventions that—

(A) the United States has historically interpreted the law of war and the Geneva Conventions, including in particular common Article 3, to prohibit a wide variety of cruel, inhuman, and degrading treatment of members of the United States Armed Forces and United States citizens;

(B) during and following previous armed conflicts, the United States Government has prosecuted persons for engaging in cruel, inhuman, and degrading treatment, including the use of waterboarding techniques, stress positions, including prolonged standing, the use of extreme temperatures, beatings, sleep deprivation, and other similar acts;

(C) this Act and the amendments made by this Act preserve the capacity of the United States to prosecute nationals of enemy powers for engaging in acts against members of the United States Armed Forces and United States citizens that have been prosecuted by the United States as war crimes in the past; and

(D) should any United States person to whom the Geneva Conventions apply be subjected to any of the following acts, the United States would consider such act to constitute a punishable offense under common Article 3 and would act accordingly. Such acts, each of which is prohibited by the Army Field Manual include forcing the person to be naked, perform sexual acts, or pose in a sexual manner; applying beatings, electric shocks, burns, or other forms of physical pain to the person; waterboarding the per-

son; using dogs on the person; inducing hypothermia or heat injury in the person; conducting a mock execution of the person; and depriving the person of necessary food, water, or medical care.

**SA 5089.** Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 5066 submitted by Mrs. HUTCHISON (for herself and Mr. KYL) and intended to be proposed to the bill H.R. 6061, to establish operational control over the international land and maritime borders of the United States; which was ordered to lie on the table; as follows:

On page 1, between lines 2 and 3, insert the following:

(d) OPERATIONAL CONTROL DEFINED.—Notwithstanding subsection (b), for purposes of this section the term “operational control” means effective prevention of unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband, as determined by the Secretary of Homeland Security.

**SA 5090.** Mr. BENNETT (for Mr. FRIST) proposed an amendment to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; as follows:

On page 12, line 2, strike “45 days” and insert “46 days”.

**SA 5091.** Mr. BENNETT (for Mr. FRIST) proposed an amendment to amendment SA 5090 proposed by Mr. BENNETT (for Mr. FRIST) to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; as follows:

Strike “46 days” and insert “44 days”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 27, 2006, at 10 a.m., to conduct a hearing on the nominations of Mr. Christopher A. Padilla, of the District of Columbia, to be Assistant Secretary of the Department of Commerce; and Mr. Bijan Rafiekian, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION**

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a committee markup on Wednesday, September 27, 2006 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on

Finance be authorized to meet during the session on Wednesday, September 27, 2006, at a time and location to be determined, following a vote on the Senate Floor, to consider favorably reporting the nominations of John K. Veroneau, to be Deputy United States Trade Representative, with the Rank of Ambassador, Executive Office of the President, and Robert K. Steel, to be Under Secretary, U.S. Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 27, 2006, at 2:30 p.m. to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 27, 2006, at 10 a.m. for a hearing titled, "Development of an Artificial Pancreas: Will New Technologies Improve Care for People With Diabetes and Reduce the Burden on the Health Care System?"

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 27, 2006, at 10 a.m. for a hearing titled, "The Potential of an Artificial Pancreas: Improving Care for People With Diabetes."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON VETERANS' AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, September 27, 2006, to hold a meeting to mark up the nomination of Robert T. Howard to be Assistant Secretary for Information and Technology, Department of Veterans' Affairs.

The meeting will take place in the Reception Room off the Senate Floor in the Capitol following the first roll call vote of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 27, 2006 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON BIOTERRORISM AND PUBLIC HEALTH PREPAREDNESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on bioterrorism and Public Health Preparedness, be authorized to hold a hearing during the session of the Senate on Wednesday, September 27, 2006 at 2:30 p.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a hearing on "Oversight Hearing: U.S. Refugee Admissions and Policy" on Wednesday, September 27, at 3 p.m. in SD-226.

#### Witness List

Panel I: The Honorable Ellen Sauerbray, Assistant Secretary of State, Population, Refugees and Migration, Department of State, Washington, DC; Jonathan "Jock" Scharfen, Deputy Director, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, DC.

Panel II: Michael Horowitz, Director, Project for Civil Justice Reform and Project for International Religious Liberty, Hudson Institute, Washington, DC; Father Kenneth Gavin, S.J., Vice-Chair, Refugee Council U.S.A. and National Director, Jesuit Refugee Service, U.S.A., Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, September 27 at 10 a.m.

The purpose of the hearing is to receive testimony on the following bills: S. 3000, a bill to grant rights-of-way for electric transmission lines over certain native allotments in the State of Alaska; S. 3599, to establish the Prehistoric Trackways National Monument in the State of New Mexico; S. 3794, to provide for the implementation of the Owyhee Initiative Agreement, and for other purposes; S. 3854, to designate certain land in the State of Oregon as wilderness, and for other purposes; H.R. 3603, to promote the economic development and recreational use of National Forest System lands and other public lands in Central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in Central Idaho to the National Wilderness Preservation System, and for other purposes; and H.R. 5025, to protect for future generations the recreational opportunities, forest, timber,

clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. LOTT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on September 27, 2006, at 10 a.m., to receive testimony on U.S. policy and practice with respect to the use of riot control agents by the U.S. Armed forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. WARNER. I ask unanimous consent a fellow from Senator GRAHAM's staff, Adam Brake, have floor privileges for the duration of the Military Commissions Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that William Johnson, a fellow in Senator KENNEDY's office, be granted floor privileges during the consideration of S. 3930.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that two of my law clerks, Natasha Solce and John Huffman, be granted the privilege of the floor during the remainder of the week.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE READ THE FIRST TIME—H.R. 5132

Mr. BENNETT. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5132) to direct the Secretary of Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Monroe County, Michigan, relating to the battles of the River Raisin during the War of 1812.

Mr. BENNETT. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.